

## CHECKLIST ENVIRONMENTAL ASSESSMENT

<b>Project Name:</b>	Lewis & Clark road safety re-alignment projects 2012
<b>Proposed Implementation Date:</b>	Spring 2012
<b>Proponent:</b>	Lewis & Clark County
<b>Location:</b>	Site 1 – Benchmark road NENE sec 21, T20N, R7W Site 2 – Little Wolf Creek road NWSW 14, T15N, R5W
<b>County:</b>	Lewis & Clark
<b>Trust:</b>	Site 1 - Deaf & Blind Permanent Fund Site 2 – Common School

### I. TYPE AND PURPOSE OF ACTION

Minor re-alignment of the open public roads, to increase safety by improving sight distances.

### II. PROJECT DEVELOPMENT

#### 1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:

*Provide a brief chronology of the scoping and ongoing involvement for this project.*

Lewis & Clark County - proponent

#### 2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:

None at site 1. Site 2 may require a "124" permit from the Montana FWP, if the existing CMP in Lannigan Gulch requires changes.

#### 3. ALTERNATIVES CONSIDERED:

No action – the tight blind curves remain unchanged

Proposed action – Site 1 - shift centerline to approximately the north edge of the roadway at the curve, lay the cut slope back to a stable angle. Construction operations proposed as a Land Use License, with historic easement application for this and other trust parcels along the Benchmark Road to follow.

Site 2 – shift centerline toward north edge of estimated R/W which pre-dates acquisition of these lands by the state. Construction operations proposed as a land Use License.

### III. IMPACTS ON THE PHYSICAL ENVIRONMENT

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
- *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
- *Enter "NONE" If no impacts are identified or the resource is not present.*

#### 4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:

*Consider the presence of fragile, compactable or unstable soils. Identify unusual geologic features. Specify any special reclamation considerations. Identify any cumulative impacts to soils.*

Soils are stable at both locations; there are existing two lane gravel surfaced roads at each location. The proposed re-alignments would be substantially within a normal 60 foot right-of-way width. Some expansion beyond this to provide a new stable back slope may be required.

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**5. WATER QUALITY, QUANTITY AND DISTRIBUTION:**

*Identify important surface or groundwater resources. Consider the potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality. Identify cumulative effects to water resources.*

There is no surface water at project site 1. At project site 2, there is perennial stream flow from Lannigan Gulch and proximity to Little Wolf Creek. Lannigan Gulch flows through an existing CMP. It is probable that a new or modified CMP installation would be needed for this re-alignment. The County would be responsible for any required "124" permit.

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**6. AIR QUALITY:**

*What pollutants or particulate would be produced? Identify air quality regulations or zones (e.g. Class I air shed) the project would influence. Identify cumulative effects to air quality.*

Minor potential for dust creation during construction. At site 1 - the full extent of the proposed work (only a portion of which is on state trust land) is about 600 feet long. Construction operations would take very little time. At site 2 – all of the proposed work falls on the state land. No adverse effects are anticipated.

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**7. VEGETATION COVER, QUANTITY AND QUALITY:**

*What changes would the action cause to vegetative communities? Consider rare plants or cover types that would be affected. Identify cumulative effects to vegetation.*

In both cases, existing cut slopes are steep, supporting limited vegetation. Establishment of a new cut slopes, at a more stable angle, followed by grass seeding, would improve vegetation conditions at these locations. Weed control along County roads is the responsibility of the County.

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**8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:**

*Consider substantial habitat values and use of the area by wildlife, birds or fish. Identify cumulative effects to fish and wildlife.*

No impacts anticipated as the operations are substantially upon an existing road open to public use.

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**9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:**

*Consider any federally listed threatened or endangered species or habitat identified in the project area. Determine effects to wetlands. Consider Sensitive Species or Species of special concern. Identify cumulative effects to these species and their habitat.*

No adverse effects anticipated. The lands at site 2 are included as covered lands in the DNRC Habitat Conservation Plan. HCP commitment GB-NR2 recommends no issuance of new easements which relinquish DNRC control of the road in NROH and Recovery Zones. This area is just outside of the NROH area defined in the HCP. In addition, the request at this time at site 2 is only for a LUL to facilitate some minor re-alignment which would be substantially within the normal 60' R/W of a County Road. Technically, DNRC has no record of a County Road easement here, and some day may be asked to recognize the County road which was established at this location in 1902. DNRC did not acquire these lands until 1922. There is no possibility of adverse affect to Grizzly Bear from this minor road relocation.

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**10. HISTORICAL AND ARCHAEOLOGICAL SITES:**

*Identify and determine effects to historical, archaeological or paleontological resources.*

At site 1 - A cultural resource survey was completed for this project (and other Lewis & Clark County projects in the area), by Stahly Engineering. No cultural resources were discovered. The report was reviewed by DNRC Archaeologist Pat Rennie, with concurrence, on 1/9/2012. Nearby, not affected, but accessed by this road, is the Nilan Reservoir, a Montana DNRC Water Resources project constructed in about 1951. The project would improve travel safety for recreational users headed to this destination.

At site 2 – a site inspection was made by DNRC staff on Dec. 13, 2011. No indications of cultural resources were observed.

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**11. AESTHETICS:**

*Determine if the project is located on a prominent topographic feature, or may be visible from populated or scenic areas. What level of noise, light or visual change would be produced? Identify cumulative effects to aesthetics.*

Areas are range land, the project is mostly within a typical R/W.

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**12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:**

*Determine the amount of limited resources the project would require. Identify other activities nearby that the project would affect. Identify cumulative effects to environmental resources.*

No special demands created.

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**13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:**

*List other studies, plans or projects on this tract. Determine cumulative impacts likely to occur as a result of current private, state or federal actions in the analysis area, and from future proposed state actions in the analysis area that are under MEPA review (scoped) or permitting review by any state agency.*

These roads, both open publicly traveled road for many decades, are generally considered to be Lewis & Clark County roads. Both roads are maintained by the County. However, there is no record of an easement across the State Trust land here, or on any of the other trust parcels traversed by the Benchmark Road or the Little Wolf Cr. Road.

At site 1 - The County has proposed, and DNRC will require as part of this Land Use License, the submission of easement applications for all the tracts crossed by the Benchmark road, under the Historic Easement process. Had an easement already been in place, a minor amendment may have been all that was required for this minor alignment change. Since there is no easement at this date, a Land Use License has been proposed to authorize the site specific actions for this project.

Historic easement applications will be forthcoming. Historic easement applications are exempt from the requirements of MEPA, as they are for existing established uses, so there will be no further environmental assessment for the future historic applications.

At site 2 – The County has proposed to obtain a construction land Use License for the construction operations. The little Wolf Creek road was officially created as a County road on November 13, 1902. DNRC records indicate that the land in section 14, T15N, R5W was acquired by the state on June 26, 1922. Please refer to Attachment B for a summary of facts researched by DNRC as part of a previous Timber Sale review. This application review does not propose to address the road status for the Little Wolf Creek road.

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<p><b>IV. IMPACTS ON THE HUMAN POPULATION</b></p>
<ul style="list-style-type: none"><li>• <i>RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.</i></li><li>• <i>Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.</i></li><li>• <i>Enter "NONE" if no impacts are identified or the resource is not present.</i></li></ul>

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**14. HUMAN HEALTH AND SAFETY:**

*Identify any health and safety risks posed by the project.*

The objective of the project is to improve road travel safety by slight re-alignment of the curve, to improve sight distances.

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**15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:**

*Identify how the project would add to or alter these activities.*

No effects due to the minor scope of the project.

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**16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:**

*Estimate the number of jobs the project would create, move or eliminate. Identify cumulative effects to the employment market.*

No identifiable changes to employment.

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**17. LOCAL AND STATE TAX BASE AND TAX REVENUES:**

*Estimate tax revenue the project would create or eliminate. Identify cumulative effects to taxes and revenue.*

No changes to tax revenues

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**18. DEMAND FOR GOVERNMENT SERVICES:**

*Estimate increases in traffic and changes to traffic patterns. What changes would be needed to fire protection, police, schools, etc.? Identify cumulative effects of this and other projects on government services*

Historic easement applications for site 1, would be reviewed once submitted.

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**19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:**

*List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.*

No specific plans for the area.

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**20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:**

*Identify any wilderness or recreational areas nearby or access routes through this tract. Determine the effects of the project on recreational potential within the tract. Identify cumulative effects to recreational and wilderness activities.*

The project areas are mostly within a normal R/W width, and do not themselves provide any recreational use. The Benchmark road, at site 1, does provide recreational use access to Nilan Reservoir, and to other private and Federal lands beyond. Installation of a modified curve here would improve travel safety for all users of the road. At site 2, the little Wolf Creek open public road is used to access various tracts of trust land for recreational uses, as well as for numerous subdivision areas in this watershed.

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**21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:**

*Estimate population changes and additional housing the project would require. Identify cumulative effects to population and housing.*

No effects anticipated.

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**22. SOCIAL STRUCTURES AND MORES:**

*Identify potential disruption of native or traditional lifestyles or communities.*

No effect to these resources.

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**23. CULTURAL UNIQUENESS AND DIVERSITY:**

*How would the action affect any unique quality of the area?*

Nothing specifically unique to these areas.

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**24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:**

*Estimate the return to the trust. Include appropriate economic analysis. Identify potential future uses for the analysis area other than existing management. Identify cumulative economic and social effects likely to occur as a result of the proposed action.*

For the short duration limited scope of these operations, a Land Use License with a one-time \$200 fee is considered appropriate for each site.

Future historic easement applications for the Benchmark roadway would be reviewed under those guidelines.

<b>EA Checklist Prepared By:</b>	<b>Name:</b> D.J. Bakken	<b>Date:</b> 5/1/2012
	<b>Title:</b> Helena Unit Manager	

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<b>V. FINDING</b>
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**25. ALTERNATIVE SELECTED:**

Proposed action – Site 1 - shift centerline to approximately the north edge of the roadway at the curve, lay the cut slope back to a stable angle. Construction operations proposed as a Land Use License, with historic easement application for this and other trust parcels along the Benchmark Road to follow.

Site 2 – shift centerline toward north edge of estimated R/W which pre-dates acquisition of these lands by the state. Construction operations proposed as a land Use License.

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**26. SIGNIFICANCE OF POTENTIAL IMPACTS:**

No significant impacts are anticipated.

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**27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:**☐


EIS

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More Detailed EA

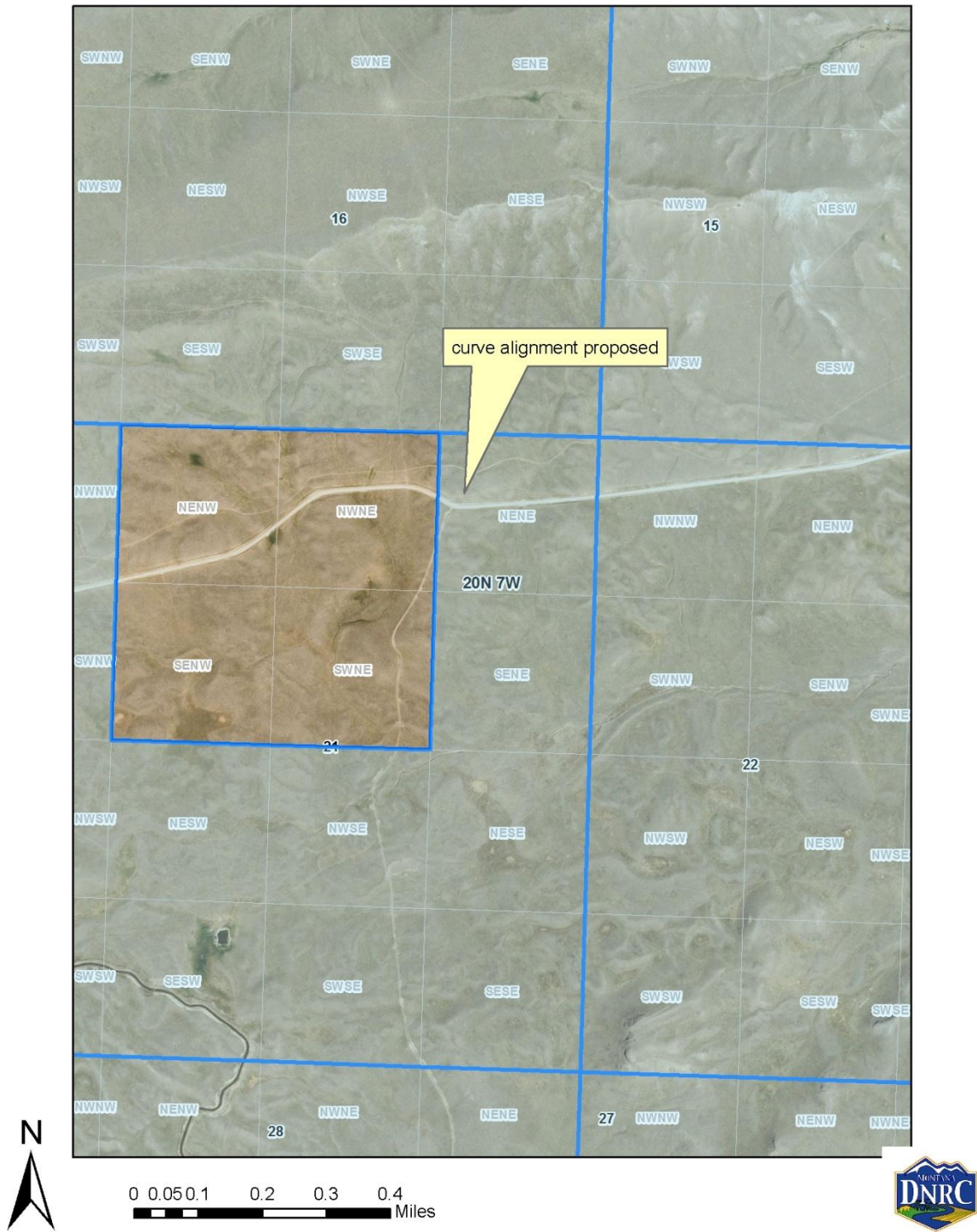
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No Further Analysis

<b>EA Checklist Approved By:</b>	<b>Name:</b> Gavin Anderson
	<b>Title:</b> Forest & Lands Program Manager, Central Land Office
<b>Signature:</b> 	<b>Date:</b> 5/1/2012

# Benchmark Road Project

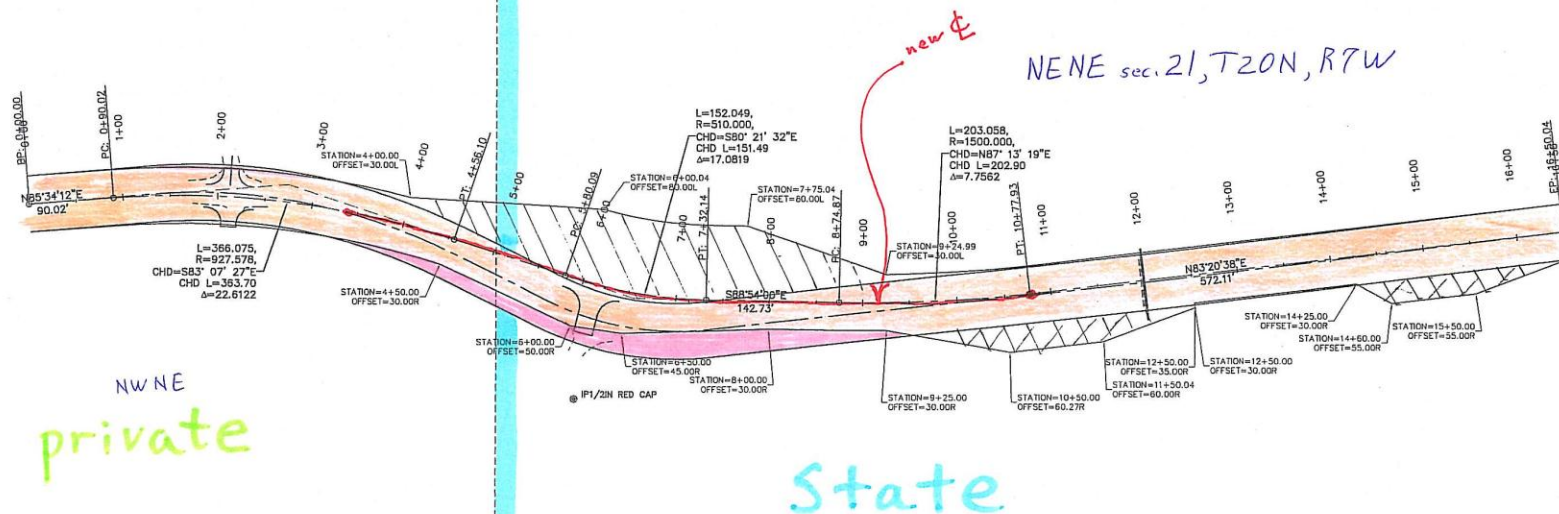
NENE sec. 21, T20N, R7W





|||| new Land needed (ease)   
 Existing Ease to remain   
 Abandon Ex Ease

proposed re-alignment of curve   
 for improved sight line, spring 2012



NENE sec. 21, T20N, R7W

NWNE  
private

State



Benchmark Road



**STAHLY ENGINEERING & ASSOCIATES**  
 Professional Engineers  
 & Surveyors  
 7555 Shadburn Drive  
 Bozeman, MT 59718  
 Phone: (409) 322-1322  
 Fax: (409) 322-1322  
 E-Mail: steve@stahly.net

ISSUE/REVISION	DATE	DESCRIPTION
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 1/17/12-07111

DESIGNED: X  
 DRAWN: X  
 CHECKED: X  
 DATE: 1/17/12

SHEET  
 11 OF 11

# Little Wolf Creek @ French Creek

NWSW 14, T15N, R5W





## Notes regarding the “Little Wolf Creek” County road

- From County road records it was named the “Wolf Creek to Silver Camp” road
- Originally from a point near the west line of section 28, T15N, R4W running westerly over the Continental Divide at Roger’s Pass then to the “Flesher Pass” road (vicinity of the Mike Horse Mine).
- The west ~2.5 miles of this is now Highway 200
- Total original length was 17.443 miles
- Reference the following Commissioner’s Proceedings

File #	Book	Page
81	8	51-58-72-78
71	8	75-84-336
96	10	72-99-109-135

- Original map in group D-21, No. 1-2-3-4-5
- Petitioned for county road in 1901
- Reviewed by Commission
- Viewed
- Reviewed
- Agreed on route
- Ordered surveyor to layout and plat
- Accepted as public highway & filed & posted as per law on Thursday November 13, 1902
- Looked at 3 minor changes in 1906, and agreed to change at land owner’s expense
- Looked at another minor change Dec. 20, 1906, and agreed to change at land owner’s expense

State acquired lands encumbered by this route as follows.

portion	section	township	range	trust	date
SWNE, S2NW	24	15N	5W	CS	6/26/1922
NWNE	23	15N	5W	CS	6/26/1922
NENE	23	15N	5W	SRS	6/26/1936, deed date 11/6/1958
SWSE, SESW, NWSW	14	15N	5W	CS	6/26/1922
NESW	14	15N	5W	SRS	6/26/1936, deed date 11/6/1958
SESE, NWSE, NESW, SWSW	6	15N	5W	SRS	6/26/1936, deed date 11/6/1958

Based upon these dates, it seems clear to me that this County road pre-dates the acquisition of these parcels by the state. A recommendation to the Land Board to accept the existing county road as a legal easement upon the state land should be made at some point.

D.J. Bakken  
Helena Unit Manager  
DNRC